IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Interim Relief Application no. 10560 of 2006
In
Writ Petition No. 1133 (S/S) of 2006

Sayeed Ahmed,
S/o Mohammed Siddiqui,
resident of Mohalla – Jatwara,
Post office – Jaspur,
District – Udham Singh Nagar. **……Petitioner**

Versus

1. State of Uttaranchal through Secretary in the Department of Education, Dehradun.
2. Director of Education, Uttaranchal, Dehradun.
3. District Basic Education Officer, Udham Singh Nagar.
4. Additional District Education Officer (Basic), Udham Singh Nagar.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Smt. Farida Siddiqui, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ, order, rule or direction in the nature of Mandamus directing the respondents to appoint the petitioner on the post of Assistant Teacher in pursuance of the advertisement dated 16.06.2002 (Annexure No.1)

(b) issue any other order which this Hon'ble Court may deem fit and proper in the circumstances of the case;

(c) award the cost of the writ petition.

The submission of the petitioner is that petitioner applies for the post Assistant Teacher (Urdu) in pursuance to the advertisement dated 16.06.2002. Since the candidatures of the

petitioner and other similarly situated candidates were not considered by the respondents for selection in view of the fact that they have obtained certificate of Maollim-e-Urdu. Consequently, petitioner and other similarly situated persons filed writ petition no. 794 (SB) of 2002 (Azad Ahmad and 11 others Vs. State of Uttaranchal and another) before this court. This court on 02.08.2003 while allowing the writ petition directed the respondents to recognize the certificate of Maollim-e-Urdu equivalent to BTC (Urdu) for the recruitment against the appropriate posts to those petitioners, who have obtained certificate of Maollim-e-Urdu prior to 11.08.1997.

The submission of the petitioner is that he has obtained certificate of Maollim-e-Urdu in the year 1996 and some of the candidates, who have filed writ petition, have been provided appointment by the respondents in pursuance to the advertisement dated 16.06.2002 and petitioner has not been considered by the respondents for appointment on the post of Assistant Teacher.

In case, the posts are still vacant in pursuance to the advertisement dated 16.06.2002 and petitioner is otherwise eligible for appointment on the post of Assistant Teacher respondents may consider the case of the petitioner and provide appointment if he is eligible to be appointed.

With this direction the writ petition as well as interim relief application no. 10560 of 2006 is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 21, 2006
SKSharma